

DEC 5 2006

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIM ASSETS
LITIGATION

This Document Relates to: All Cases

OFFICE

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Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 96-5161
and CV 97-461)

MEMORANDUM & ORDER

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**MEMORANDUM & ORDER APPROVING CRT SET 1: 3 DENIALS UPON REQUEST FOR
RECONSIDERATION AND SUMMARILY DENYING 21 APPEALS AS CERTIFIED BY
THE CLAIMS RESOLUTION TRIBUNAL PURSUANT TO ARTICLE 30 OF THE RULES
GOVERNING THE CLAIMS RESOLUTION PROCESS**

KORMAN, J.:

As provided under the Settlement Agreement, and in accordance with the procedures established in the December 8, 2000 and December 14, 2006 Memoranda & Orders and in the Plan of Allocation and Distribution of Settlement Proceeds, the Claims Resolution Tribunal (the “CRT”) is hereby requesting the Court’s approval of 3 Certified Denials Upon Request for Reconsideration listed in Annex A to this Order and the Court’s summary denial of 21 Appeals listed in Annex B to this Order.

Under Article 30 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), a Request for Reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants are to briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the Certified Award Denial.

At my direction, the CRT has analyzed the information provided in each of the Requests for Reconsideration listed in Annex A. The CRT has determined that the Claimants satisfied the

criteria set out in Article 30 of the Rules. Further, in each of these cases, at my direction, the CRT has reviewed the new information provided by the Claimant in his/her Request for Reconsideration, together with the information provided in the original claim, and compared it to that contained in the account records regarding the account owner. Based upon this review, the CRT has again concluded that the Claimant was not able to identify his or her relative as the account owner.

Article 30 of the Rules also specifies that an appeal must be based upon a plausible suggestion of error regarding the conclusions reached by the CRT in the Certified Denial. Any appeals submitted without a plausible suggestion of error shall be summarily denied.

At my direction, the CRT has analyzed the information provided in each of the Appeals listed in Annex B. Upon careful consideration, the CRT has concluded that none of the Appellants whose claims are listed in Annex B raised a plausible suggestion of error in the CRT's finding that his/her relative was not the same person identified in the bank's records as the account owner. Accordingly, the CRT recommends that these Appeals be summarily denied.

I have reviewed the CRT's analyses and I concur with the CRT's recommendations. Therefore, it is hereby

ORDERED that the 3 Denials Upon Request for Reconsideration listed in Annex A are hereby approved for release to the relevant Claimants.

ORDERED that the 21 Appeals to the claims listed in Annex B shall be summarily denied and the relevant Appellants so informed.

It is further ordered that the Special Masters shall provide the Court with the name and address of every Claimant receiving a Denial Upon Request for Reconsideration and every

Appellant whose appeal is herewith summarily denied, which information shall be filed with the Court under seal.

Brooklyn, New York
Dated: November 26, 2008

SO ORDERED:



Edward R. Korman
United States District Judge

CLAIMS RESOLUTION TRIBUNAL

CRT BATCH I ***ANNEX A***

Pursuant to Article 30 of the Rules Governing the Claims Resolution Tribunal, as amended, (the “Rules”), the Claims Resolution Tribunal hereby recommends as of 26 November 2008 that the following Denials Upon Request for Reconsideration be approved by the Court:

Denials Based Upon Request for Reconsideration

Claimed Account Owner Last Name and Claim Number	Request Number
1. Banyai 730283/RT	2323
2. Rosenberg 501166/RT	2405
3. Schwarz <i>et al</i> 708023	2065

CLAIMS RESOLUTION TRIBUNAL

CRT BATCH I **ANNEX B**

Pursuant to Article 30 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby recommends as of 26 November 2008 that the following Appeals be summarily denied by the Court:

Summary Denial of Appeals

Claimed Account Owner Last Name and Claim Number	Appeal Number
1. Heller, Fanny, Myra, and Franz 210795/RT	2179
2. Hirsch, Fritz 754596/RT	2337
3. Hohenberg, Egon and Nelly 209339/RT	2433
4. Horvath, Gabriel 705526/SB; 787900/SB	2194
5. Kaufmann, Fritz 400946/SB	1955
6. Kaufmann, Olga 400956/SB	1956
7. Krausz, Ilonka and Ede 220006/SU	1527
8. Lewin, Anna and Joseph 201297/SU	2427
9. Meier, Hugo <i>et al</i> 214874/SB	2430
10. Leib, Carl 219955/SU	2134
11. Richter, Alfred 773403/SB	2212
12. Richter, Maria 500176/RT	2329
13. Rosenfeld, Siegfried 784468/SB	2110
14. Rosenthal, Julius <i>et al</i> 773354/SB	2293
15. Schmitt, Ema and Brunhilde 211653/SB	2046
16. Schneider, Max 401451/HU	2050
17. Weber, Gustav 401603/SB	2011
18. Weiss, Erwin 400932/SB; 400954/SB; 401227/SB	1943
19. Weisz, Marton 222704/SB	2455
20. Wolf, Henrik 212329/SB	2102
21. Zusman, Mayer <i>et al</i> 209197/SB	2236